



KERALA GAZETTE

കേരള ഗസറ്റ്

PUBLISHED BY AUTHORITY
ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

Vol. LII വാല്യം 52	Thiruvananthapuram, Tuesday തിരുവനന്തപുരം, ചൊവ്വ	19th June 2007 2007 ജൂൺ 19 29th Jyaishta 1928 1929 ജ്യേഷ്ഠം 29	No. നമ്പർ	25
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PART III

Judicial Department

THE HIGH COURT OF KERALA

NOTIFICATION

No. D1 (A)-56238/2004. 23rd April 2007.

In exercise of the powers conferred by Article 225 of the Constitution of India, Section 122 of the Code of Civil Procedure, 1908 (Central Act V of 1908) and of all other provisions enabling it in this behalf, the High Court of Kerala hereby publishes for general information the draft amendment to the Rules of the High Court of Kerala 1971 published in Kerala Gazette No. 21 dated 18th June 1991.

Notice is hereby given that the said draft amendment will be taken up for consideration after 30 days from the date of publication of this notification in the Gazette. Any objections or suggestions received from any person with regard to the draft amendment will be considered by the High Court.

Objections or suggestions, if any shall be addressed to the Registrar (Subordinate Judiciary), High Court of Kerala, Kochi-3.

DRAFT AMENDMENT

In the Rules of the High Court of Kerala 1971:-

In Rule 148, the following provisos shall be added namely:-

"Provided that in cases where the State Government is a party the Secretary to the Government Department concerned shall be arrayed as party representing the Government.

Provided further that if the subject matter of the petition relates to two or more Government Departments or, if the petition is of such a nature, the disposal of which warrants information from two or more Government Departments, the Chief Secretary to Government and the Secretaries to those Government Departments shall be made as party representing the Government."

By order,

A. V. RAMAKRISHNA PILLAI,
Registrar (Subordinate Judiciary).

Kochi.

Explanatory Note

(This is not form part of the notification, but is intended to indicate its general purport.)

At present in all proceedings before the High Court under Article 226 and 227 of the Constitution of India, the State Government is represented by the Chief Secretary. The Government therefore requested the High Court to consider the feasibility of impleading the Secretaries to the Government Department concerned in such cases in place of the Chief Secretary.

The High Court after considering the matter in all its details has decided to amend the Rules of the High Court of Kerala to provide for the arraying of Secretaries to the Government of the Departments concerned, in the proceedings under Article 226 and 227 of the Constitution of India, as the party representing the Government.

This notification is intended to achieve the above object.

NOTIFICATION

No. D1 (A)-32050/2006.

24th April 2007.

In exercise of the powers conferred by Article 225 of the Constitution of India, Section 122 of the Code of Civil Procedure 1908 (Central Act V of 1908) and of all other provisions enabling it in this behalf, the High Court of Kerala hereby publishes for general information the draft amendment to the Rules of the High Court of Kerala 1971 published in Kerala Gazette No. 21 dated 18th June 1971.

Notice is hereby given that the said draft amendment will be taken up for consideration after 30 days from the date of publication of this notification in the Gazette. Any objections or suggestions received from any person with regard to the draft amendment will be considered by the High Court.

Objections or suggestions, if any shall be addressed to the Registrar (Subordinate Judiciary), High Court of Kerala, Kochi-31.

DRAFT AMENDMENT

In the Rules of the High Court of Kerala 1971:-

After Rule 97, the following shall be added as a new Chapter VIII A with new Rule 97A.

"CHAPTER VIII A

OPERATION OF INTERIM ORDERS IN SPECIFIED CASES

Rule 97A (1) Notwithstanding anything contained in these Rules, unless otherwise ordered by the Court, every notice in the cases arising under Article 226/227 of the Constitution of India, Section 115 of the C P C and Sections 401, 407 and

482 of the Cr. P. C. seeking to challenge/stay/transfer the lower court proceedings including execution proceedings and investigation of criminal cases, shall be sent as returnable within a period not exceeding two weeks.

- (2) Unless otherwise ordered by the Court, the proceedings in such cases, after the date fixed for the appearance of the respondent, shall be heard on a day-to-day basis till their disposal.
- (3) The Court hearing the case shall endeavour to dispose of the same within two months and unless otherwise ordered by the Court, interim orders, if any, granted in such cases, shall stand vacated on the expiry of two months.
- (4) If notice is not served on the respondent (s) before the date fixed for appearance of the parties owing to the laches of the petitioner the stay or interim order shall not be extended unless otherwise ordered by the Court for special reasons."

By order

(Sd.)

Registrar (Subordinate Judiciary).

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

With a view to obviate the delay in disposal of cases the Chief Justices' Conference, 2006 resolved that the High Courts may consider devising a suitable mechanism to provide for the termination of stay of proceedings before the Trial Court, after the expiry of the reasonable period, unless extended for adequate and special reasons.

The High Court, after considering the matter in all its detail, decided to amend the Rules of the High Court of Kerala, 1971 by way of incorporation of a new Chapter VIII A with the new Rule 97A.

This notification is intended to achieve the above object.